

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**Attorney Docket No. 0275S-000468/COA**

Group Art Unit: 3724 )  
 )  
Examiner: Hwei-Siu C. Payer )  
 )  
Inventor: Thomas J. Wheeler, et al. )  
 )  
Serial No. )  
 )  
Filed: Herewith )  
 )  
Title: RECIPROCATING SAW )  
\_\_\_\_\_ )

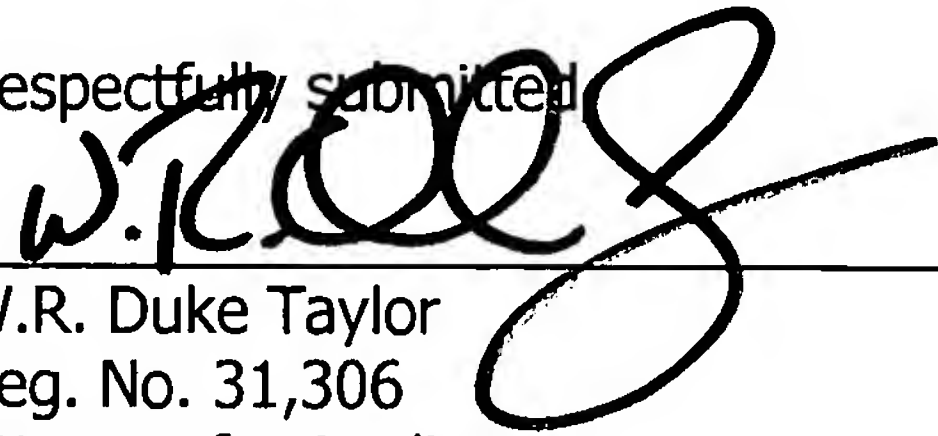
**SUBMISSION OF EXECUTED  
DECLARATION AND  
POWER OF ATTORNEY**

Director of the United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants' attorney is submitting herewith a copy of the executed Declaration and Power of Attorney which was filed in the parent to this application in response to a "Notice to File Missing Parts". A copy of the unsigned Declaration and Power of Attorney as filed in the parent to this application is attached to the copy of the application being submitted.

Respectfully submitted

  
\_\_\_\_\_  
W.R. Duke Taylor  
Reg. No. 31,306  
Attorney for Applicants

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, MI 48303  
(248) 641-1600

Date: January 20, 2004  
WRDT/lkj

# DECLARATION AND POWER OF ATTORNEY

Atty. Ref.: 0275S-000468

## DECLARATION

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## RECIPROCATING SAW

the specification of which (check one)

- ☐ is attached hereto.  
or  
☒ was filed on January 2, 2002 as Application Serial No. 10/038,328  
or PCT International Application No. \_\_\_\_\_ and was amended on  
\_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)				
APPN. SERIAL NO.	COUNTRY	DATE FILED (MM/DD/YYYY)	PRIORITY CLAIM	
			Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>

## DECLARATION AND POWER OF ATTORNEY

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

PRIOR PROVISIONAL APPLICATION(S)	
APPN. SERIAL NO.	DATE FILED (MM/DD/YYYY)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below:

PRIOR U.S. APPLICATION(S)		
APPN. SERIAL NO.	DATE FILED (MM/DD/YYYY)	STATUS - PATENTED, PENDING, ABANDONED

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

### POWER OF ATTORNEY

I hereby appoint Harold Weinstein, Reg. No. 20613; Edward D. Murphy, Reg. No. 20625; John D. Del Ponti, Reg. No. 24258; Charles E. Yocum, Reg. No. 30121; Bruce S. Shapiro, Reg. No. 33120; Adan Ayala, Reg. No. 38373; Michael P. Leary, Reg. No. 41144, Ajay K. Gambhir, Reg. No. 44115, and Richard J. Veltman, Ref. No. 36957 of The Black & Decker Corporation, 701 East Joppa Road, Towson, Maryland 21286, telephone (410) 716-3900; and Christopher M. Brock, Reg. No 27,313, Ryan W. Massey, Reg. No. 38,543, W. R. Duke Taylor, Reg. No. 31,306, and each principal, attorney of counsel, associate, and employee of Harness, Dickey & Pierce, P.L.C., who is a registered Patent Attorney, my attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

### CORRESPONDENCE ADDRESS

I request the Patent and Trademark Office to direct all correspondence and telephone calls relative to this application to Customer No. 27572 ( \*27572\* ), Harness, Dickey & Pierce, P.L.C., P. O. Box 828, Bloomfield Hills, Michigan 48303 (248) 641-1600.

## DECLARATION AND POWER OF ATTORNEY

**Full name of sole or first inventor:** Thomas J. Wheeler

Inventor's signature: Thomas J. Wheeler

Date: 5/27/2002

Residence: 295 East Columbia Avenue, Pomona, California 91767

Citizenship: United States of America

Mailing Address: 295 East Columbia Avenue, Pomona, California 91767


**Full name of second joint inventor, if any:** Terry L. Turner

Inventor's signature: Terry L. Turner

Date: 5/30/2002

Residence: ~~1488 Algonquin Court, Finksburg, Maryland 21048~~ 4445 CHILCOAT DR. P.O. BOX 1701 WESTMINSTER MD. 21158

Citizenship: United States of America

Mailing Address: ~~1488 Algonquin Court, Finksburg, Maryland 21048~~ SAME 

**Full name of third joint inventor, if any:** William G. Harman, Jr.

Inventor's signature: William G. Harman, Jr.

Date: 6-3-02

Residence: 3667 Fissels Church Road, Glen Rock, Pennsylvania 17327

Citizenship: United States of America

Mailing Address: 3667 Fissels Church Road, Glen Rock, Pennsylvania 17327

**Full name of fourth joint inventor, if any:** Earl Kelican

Inventor's signature: Earl E. Kelican Jr.

Date: 5/30/2002

Residence: 65 Rose Lane, New Oxford, Pennsylvania 17350

Citizenship: United States of America

Mailing Address: 65 Rose Lane, New Oxford, Pennsylvania 17350

**Full name of fifth joint inventor, if any:** None

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: \_\_\_\_\_

Citizenship: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

# DECLARATION AND POWER OF ATTORNEY

Atty. Ref.: 0275S-000468

## DECLARATION

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## RECIPROCATING SAW

the specification of which (check one)

- ☒ is attached hereto.  
or  
☐ was filed on \_\_\_\_\_ as Application Serial No. or PCT International Application No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)				
APPN. SERIAL NO.	COUNTRY	DATE FILED (MM/DD/YYYY)	PRIORITY CLAIM	
			Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>

## DECLARATION AND POWER OF ATTORNEY

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

PRIOR PROVISIONAL APPLICATION(S)	
APPN. SERIAL NO.	DATE FILED (MM/DD/YYYY)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below:


PRIOR U.S. APPLICATION(S)		
APPN. SERIAL NO.	DATE FILED (MM/DD/YYYY)	STATUS - PATENTED, PENDING, ABANDONED

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

### POWER OF ATTORNEY

I hereby appoint Harold Weinstein, Reg. No. 20613; Edward D. Murphy, Reg. No. 20625; John D. Del Ponti, Reg. No. 24258; Charles E. Yocum, Reg. No. 30121; Bruce S. Shapiro, Reg. No. 33120; Adan Ayala, Reg. No. 38373; Michael P. Leary, Reg. No. 41144, Ajay K. Gambhir, Reg. No. 44115, and Richard J. Veltman, Ref. No. 36957 of The Black & Decker Corporation, 701 East Joppa Road, Towson, Maryland 21286, telephone (410) 716-3900; and Christopher M. Brock, Reg. No 27,313, Ryan W. Massey, Reg. No. 38,543, W. R. Duke Taylor, Reg. No. 31,306, and each principal, attorney of counsel, associate, and employee of Harness, Dickey & Pierce, P.L.C., who is a registered Patent Attorney, my attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

### CORRESPONDENCE ADDRESS

I request the Patent and Trademark Office to direct all correspondence and telephone calls relative to this application to Customer No. 27572 (  ), Harness, Dickey & Pierce, P.L.C., P. O. Box 828, Bloomfield Hills, Michigan 48303 (248) 641-1600.



## DECLARATION AND POWER OF ATTORNEY

**Full name of sole or first inventor:** Thomas J. Wheeler

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: 3030 Guilford Avenue, Baltimore, Maryland 21218

Citizenship: United States of America

Mailing Address: 3030 Guilford Avenue , Baltimore, Maryland 21218

**Full name of second joint inventor, if any:** Terry L. Turner

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: 1488 Algonquin Court, Finksburg, Maryland 21048

Citizenship: United States of America

Mailing Address: 1488 Algonquin Court, Finksburg, Maryland 21048

**Full name of third joint inventor, if any:** William G. Harman, Jr.

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: 3667 Fissels Church Road, Glen Rock, Pennsylvania 17327

Citizenship: United States of America

Mailing Address: 3667 Fissels Church Road, Glen Rock, Pennsylvania 17327

**Full name of fourth joint inventor, if any:** Earl Kelican

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: 65 Rose Lane, New Oxford, Pennsylvania 17350

Citizenship: United States of America

Mailing Address: 65 Rose Lane, New Oxford, Pennsylvania 17350

**Full name of fifth joint inventor, if any:** None

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence:

Citizenship:

Mailing Address:

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**Attorney Docket No. 0275S-000468/COA**

Application No.:  
Filing Date: Herewith  
Applicant: Thomas J. Wheeler et al.  
Group Art Unit: 3724  
Examiner: Hwei-Siu C. Payer  
Title: RECIPROCATING SAW

---

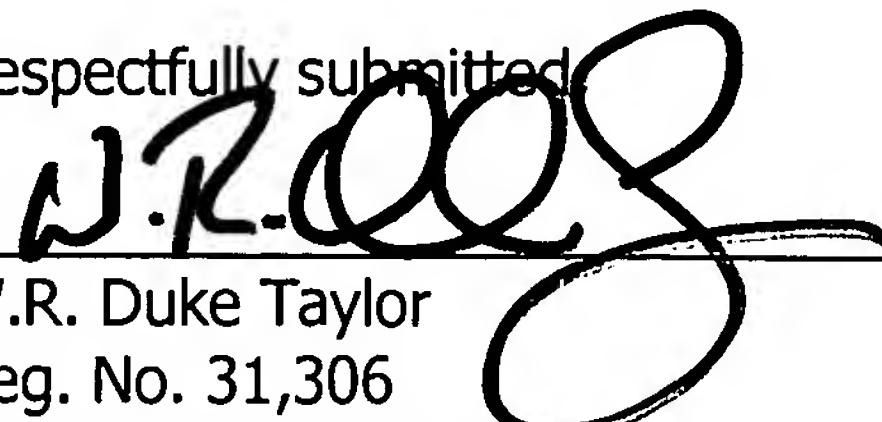
Director of the United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REFERENCE TO RECORDED ASSIGNMENT OF ORIGINAL APPLICATION**

Sir:

This application is a continuation application of U.S. Serial 10/038,328. A prior assignment of the original application is recorded in the U.S. Patent and Trademark Office at Reel 012996, Frame 0401 and a copy of the assignment is provided herewith. This assignment recorded against the original application gives the assignee rights to the subject matter common to both application.

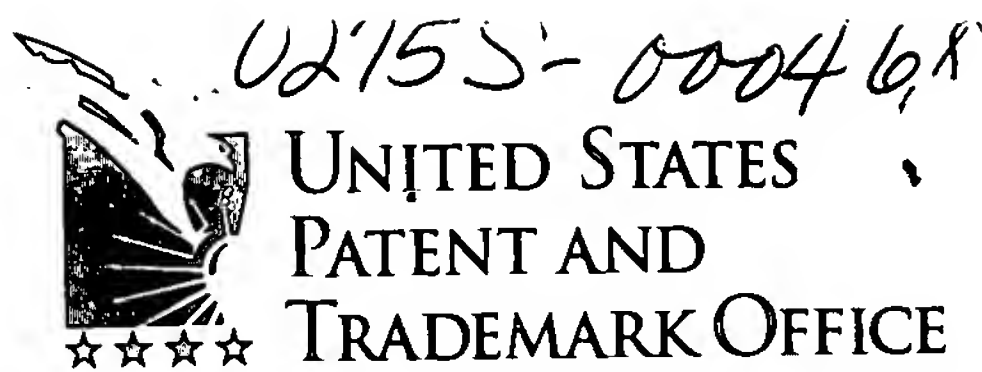
Respectfully submitted,

  
\_\_\_\_\_  
W.R. Duke Taylor  
Reg. No. 31,306  
Attorney for Applicants

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, MI 48303  
(248) 641-1600

Date: January 20, 2004





AUGUST 19, 2002

HARNESS, DICKEY & PIERCE, P.L.C. PTAS  
CHRISTOPHER M. BROCK  
PO BOX 828  
BLOOMFIELD, MI 48303

Under Secretary of Commerce For Intellectual Property and  
Director of the United States Patent and Trademark Office  
Washington, DC 20231  
www.uspto.gov



\*102129851A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 06/13/2002

REEL/FRAME: 012996/0401  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
WHEELER, THOMAS J.

DOC DATE: 05/27/2002

ASSIGNOR:  
TURNER, TERRY L.

DOC DATE: 05/30/2002

ASSIGNOR:  
HARMAN, JR., WILLIAM G.

DOC DATE: 06/03/2002

ASSIGNOR:  
KELICAN, EARL

DOC DATE: 05/30/2002

ASSIGNEE:  
BLACK & DECKER INC.  
1423 KIRKWOOD HIGHWAY  
DRUMMOND PLAZA OFFICE PARK  
NEWARK, DELAWARE 19711

SERIAL NUMBER: 10038328  
PATENT NUMBER:

FILING DATE: 01/02/2002  
ISSUE DATE:

012996/0401 PAGE 2

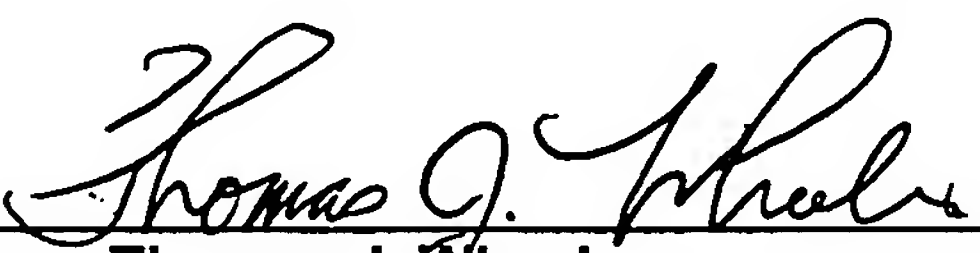
ANTIONE ROYALL, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

**ASSIGNMENT**

For valuable consideration, the receipt of which is hereby acknowledged by me/us, the undersigned, hereinafter referred to collectively as Assignor, does hereby sell and assign to BLACK & DECKER INC., a corporation organized and existing under the laws of the State of Delaware, U.S.A., having its principal place of business at Drummond Plaza Office Park, 1423 Kirkwood Highway, Newark, Delaware 19711, U.S.A., its successors, assigns, nominees, or other legal representatives, the entire right, title, and interest in and to the IMPROVEMENTS IN:

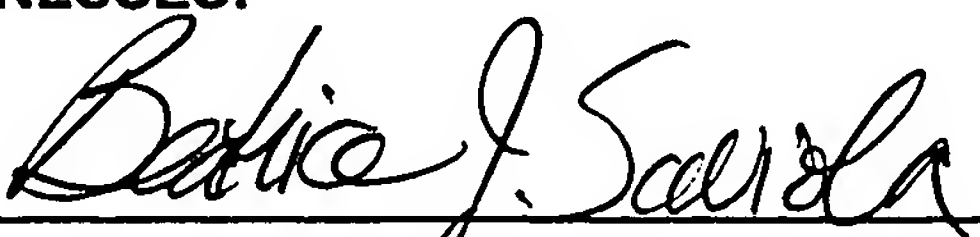
**RECIPROCATING SAW**

invented by me and the United States Patent application Serial No. 10/038,328, filed January 2, 2002 therefor, executed concurrently herewith, and all original and reissued patents granted therefor, and all divisions and continuations thereof, including the subject matter of any and all claims which may be obtained in every such patent, and the right to apply for and obtain patents, Utility Model Registrations, and Inventor's Certificates in countries foreign to the United States, and in and to any Letters Patent, Utility Model Registration, or Inventor's Certificate which may be granted thereon in such foreign countries, including all priority rights under the International Convention associated therewith for each country of the Union, and authorize and request the Commissioner of Patents and Trademarks of the United States, and any official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue the said Letters Patent, Utility Model Registration, or Inventor's Certificate to the said BLACK & DECKER INC., its successors, assigns, nominees, or other legal representatives, as assignee of the entire interest, and covenant that I have full right to convey the entire interest herein assigned and that I have not executed and will not execute any agreement in conflict herewith, and agree that I will communicate to said Corporation, its successors, assigns, nominees, or other legal representatives, all facts known to me respecting said invention, whenever requested, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, and reissue applications, make all rightful oaths, and do all lawful acts requisite for the application for such divisional, continuing, or reissue applications, or the procuring thereof, and that if and when said BLACK & DECKER INC., its successors, assigns, nominees, or other legal representatives desire to file a disclaimer relating thereto, I/we will, upon request, sign all lawful papers requisite for the filing of such disclaimer, and I/we further covenant and agree that I/we will, at any time upon request, do everything legally possible to aid said Corporation, its successors, assigns, nominees, or other legal representatives, either in its or their own name, to apply for, obtain, and enforce patent, Utility Model, and/or Inventor's Certificate protection for said improvements in all countries, all without further consideration but at the expense of said BLACK & DECKER INC., its successors, assigns, nominees, or other legal representatives.

  
 Thomas J. Wheeler

Date: 5/27/2002

**WITNESSES:**

x 

Date: 5/27/2002

x 

Date: 5/27/2002

Terry L. Turner  
Terry L. Turner

Date: 5/30/2002

## WITNESSES:

x Robyn R. Thomas

Date: 5-30-02

x Mary O. Niziolek

Date: 5-30-02

William G. Harman, Jr.  
William G. Harman, Jr.

Date: 6-3-02

## WITNESSES:

x Robyn R. Thomas

Date: 6-3-02

x Mary O. Niziolek

Date: 6-3-02

Earl Kelican  
Earl Kelican

Date: 5/30/2002

## WITNESSES:

x Robyn R. Thomas

Date: 5-30-02

x Mary O. Niziolek

Date: 5-30-02